

**Bills Reflecting ICSW Proposals**

**3/31/04 confirmation by the Senate for commissioners for the Iowa Commission on the Status of Women: Angelica Cardenas-Chaisson of Des Moines to finish a term until 4/30/06; Michael Whitlatch of Storm Lake to begin serving a term 5/1/04 through 4/30/08; and for Francis Giunta of Dubuque and Kimberly Painter of Iowa City to be reappointed for terms running from 5/1/04 through 4/30/08**

**4/5/04 confirmation by the Senate for Holly Mennen-Sagar of Des Moines to be reappointed for an ICSW term running from 5/1/04 through 4/30/08**

Support: Aging Issues and Long-Term Care #1

HF2391 clarified who is a mandatory reporter of dependent adult abuse. Died in Human Resources.

Support: Aging Issues and Long-Term Care #2

HF2339 expanded definition of person who may commit dependent adult abuse. Died in Judiciary subcommittee: J.R.VanFossen, Greimann, Heaton.

Support: Child Care #3 and #4

HF227 required registration if a person provides childcare to a child for more than four hours per day on a regular basis; DHS was to develop standards for providing qualifications and training, program quality, and provider history of compliance with standards, capacity, fire safety, and other requirements. (Under current law, a child care home may provide child care to five or fewer children at any one time with registration as optional; also requires registration if providing care to six or more children at any one time.) Died in Human Resources.

Support: Child Care #7

SSB1071 and HSB117 Child Care Employee Benefits Act provided tax incentives to businesses that made expenditures to provide child care benefits to employees - died without becoming a bill in either chamber.

Support Priority: Economics #1

HF2163 raised the state's hourly minimum wage to \$5.65 as of 1/1/05 and to \$6.15 as of 1/1/06. (\$5.65 full-time is an annual salary of \$11,752 and \$6.15 full-time is \$12,792 annually. Federal poverty guidelines released 2/7/03 list a parent with one child in poverty at \$12,120 annually.)

Died in Commerce.

HF29 raised minimum wage to \$5.65 beginning 1-1-2004, and to \$6.15 beginning 1-1-2005. Died in Commerce, Regulation and Labor subcommittee: Horbach, Petersen, Watts.

SF419 put the state's hourly minimum wage rate at \$1 more than the generally applicable current federal minimum wage rate. Died in Business and Labor Relations subcommittee: Schuerer, Dearden, Lundby

Support: Economics #5

SF254 provided that a person or employer shall not discriminate in providing compensation for work of comparable worth between jobs predominately held by women and men. The bill defined "comparable worth" as being the value of work as measured by the skill, effort, responsibility, and working conditions involved in performing the work. Died in Business and Labor Relations subcommittee: Schuerer, Dearden, Lundby

SF255 created a new Code chapter governing wage discrimination: unlawful for an employer to pay wages that discriminate between employees based on sex, race, or national origin unless the differences are due to a valid factor unrelated to sex, race, or national origin; unlawful for an employer to take action against a person exercising their rights pursuant to this new chapter; required employers, on an annual basis, to provide employees with information on how the employees' wage is calculated; permitted an affected employee to maintain an action against an employer who violates this chapter and to obtain damages, seek an injunction, and be awarded witness and attorney fees and costs. Died in Business and Labor Relations subcommittee: Schuerer, Dearden, Lundby

HF451 created a chapter governing wage discrimination; provides that an employer shall not pay wages that discriminate between employees based on sex, race, or national origin unless the differences are due to a valid factor unrelated to sex, race, or national origin. Died in Commerce, Regulations and Labor.

Oppose: Economics #6

**SF159 abolished the targeted small business financial assistance program. Died in Economic Growth subcommittee: Veenstra, Putney, Ragan.**

Support: Economics #6

HF2105 established a program to provide financial (\$15,000) and technical assistance (\$5,000) to early stage industry companies being established by women entrepreneurs. Died in Economic Growth subcommittee: Granzow, Boggess, Dandekar

Support: Economics #7

HF119 provided that it is an unfair employment practice under the Iowa civil rights act to discriminate against any employee or applicant for employment because that person has exercised the person's rights under the federal Family and Medical Leave Act. Died in Commerce, Regulation and Labor subcommittee: Horbach, Petersen, Raecker. SF214 that read the same as HF119, died in Business and Labor subcommittee: Schuerer, Dearden, McKibben

Support: Economics #8

SR18 requested that the Legislative Council establish an interim committee to review the economic, fiscal, and social impact of the establishment of a living wage in Iowa. Died in Rules and Administration.

Support 2/3/04: Economics/Marriage

HF2504 (formerly HF2022) provided a statute of limitations relative to a judgment of distribution of marital assets involving fraud. Died in Judiciary.

Support: Equality #3

SF2039 provided that the Iowa State Fair Board composition will be gender balanced. Died in State Government subcommittee: Zieman, Ragan, Shull.

Support: Equality #4

*City ordinances prohibiting discrimination based on sexual orientation are in effect in Ames, Cedar Rapids, Davenport, Des Moines, and Iowa City.*

SF33 defined "sexual orientation" exactly like SF105; cosponsors were added and a different Senate committee was assigned to process the second bill. Died in State Government subcommittee: Schuerer, Ragan, Veenstra.

SF105 defined "sexual orientation" and prohibits discriminatory employment, public accommodation, housing, education, and credit practices based upon a person's sexual orientation. However, the bill does allow for the imposition of qualifications by bona fide religious institutions based upon sexual orientation if related to a bona fide religious purpose. Died in Human Resources subcommittee: McKinley, Behn, and Kreiman.

HF270 defined "sexual orientation" and prohibits discriminatory employment, public accommodation, housing, education, and credit practices. Died in Judiciary.

Support: Health #1

HF540 provided pilot projects for health insurance for individuals and group health insurance for small employers and nonprofit entities by the division of insurance, department of commerce, to examine methods of improving availability and affordability. Specific groups for pilot project focus are individuals, small businesses, nonprofit entities, and child day care centers. Died in Commerce, Labor and Regulation.

HF2445 created a Healthy Iowa For All program. Died in Commerce, Regulations and Labor.

Support: Health #2

HF136 added benefits to the health program benefit package of the healthy and well kids in Iowa program including care coordination, dental services, mental health and substance abuse benefits, institution services, occupational therapy services, and case management for children with special health care needs. Died in Human Resources subcommittee: Heaton, Granzow, Miller.

HF325 provided for increasing coverage for children under the healthy and well kids in Iowa (hawk-i) program to 300 percent of the federal poverty level. Died in Human Resources subcommittee: Hutter, Heaton, Hunter.

HF384 directed the Supreme Court, in cooperation with DHS, to determine the feasibility of utilizing hawk-i for medical support for parents to a dependent under a medical support order. Died in Human Resources subcommittee: Heaton, Murphy, Tymeson.

Support: Health #6

**HF2577 authorizes \$250,000 through DHS to provide coverage under the medical assistance program to women who require treatment for breast or cervical cancer.  
4/14/04 PASSED HOUSE 98/0 - 4/15/04 PASSED SENATE 47/1 w/amendment  
4/19/04 PASSED HOUSE 99/0 w/amendment - 4/20/04 PASSED SENATE 47/1  
5/17/04 SIGNED BY GOVERNOR**

Support: Health #7

HF104 required third-party payers of health or medical expenses to provide coverage for screening tests for women who are at risk for ovarian cancer. Died in Commerce, Regulation, Labor subcommittee: Hansen, Murphy, Sands.

**Oppose: Health #9**

SSB1055 and SSB3008 were Woman's Right to Know study bills. Died without becoming bills.

HF2036 established a legal process for an adult pregnant woman to obtain an abortion, including the appointing of a guardian *ad litem* to represent the fetus, and a penalty. Died in Human Resources.

HF2206 changed Iowa's parental notification requirement to parental consent prior to the performance of abortion on a minor. Died in Human Resources subcommittee: Lukan, Boddicker, Smith.

**Oppose: Health #11**

HF111 specified criteria in the awarding of grants or contracts relating to family planning and reproductive health services to those that engage in the LEAST number of abortions. Died in Human Resources subcommittee: Roberts, Smith, Tymeson.

**Support: Health #14**

HF2259 provides that a retailer shall not sell, and a person shall not purchase, in a single transaction more than two packages containing pseudoephedrine as the products' sole active ingredient. A person who sells or purchases more than two packages containing pseudoephedrine in a single transaction commits a simple misdemeanor fine of \$100.

2/19/04 PASSED HOUSE 97/0

4/6/04 PASSED SENATE 49/0 w/amendment

4/7/04 PASSED HOUSE 97/0

5/3/04 SIGNED BY GOVERNOR

**Support: Priority: Insurance #1**

HF627 (formerly HSB288) mental health parity. Died in re-referral to Human Resources. SF2056 mental health and substance abuse parity. Died in Commerce subcommittee: Schuerer, Behn, Warnstadt. SF2058 mental health parity for state employees. Died in Commerce subcommittee: Schuerer, Behn, Bolkcom. SF232 (also HSB48) mental health parity. Died in Commerce subcommittee: Behn, Warnstadt, Wieck. HF63 mental health and substance abuse parity. Died in Commerce, Regulation and Labor subcommittee: Hansen, Osterhaus, Sands. SF227 mental health and substance abuse parity. Died in Commerce subcommittee: Behn, Warnstadt, Wieck. SF243 mental health and substance abuse parity. Died in Commerce: Angelo, Warnstadt, Wieck. SF58 related to third-party payment of health care coverage costs for only biologically based mental illness treatment services. Died in Commerce subcommittee: Behn, Warnstadt, Wieck.

**Support: Insurance #5**

HF2279 required that the phone number for an insured to obtain more information about the external review process be printed on the insured's insurance card, and be posted in a prominent place in health care facilities. Died in Commerce.

**Support: Admin/Justice #1**

HF2126 requested that the ICSW call together a commission to review the implementation of the Iowa Supreme Court's Equality in the Courts Task Force Report recommendations. Died in Judiciary subcommittee: Maddox, Berry, Boal.

Support: Priority: Justice #2

Three bills provided the restoration of the right to register to vote and to vote automatic upon a person's release from probation, parole, or work release, or upon completion of the person's term of confinement and upon the person making full restitution. HF402 died after being re-referred to State Government. HF178 died in State Government. SF311 died in State Government: Schuerer, Dearden, Sievers. HF445 made restoration of the right to register to vote ONLY to persons discharged on or after July 1, 2003. Died in State Government.

Support: Justice #5

**SF2275 provides that a person who was sentenced to an 85 percent sentence prior to July 1, 2003, may have the person's sentence reopened upon a joint motion filed by the board of parole and the department of corrections if the original sentencing court grants the motion. The county attorney from the county which prosecuted the defendant may, after consulting with the victim, if the victim can be found, file an objection to the motion to reopen. If the sentence is reopened, the defendant becomes parole-eligible after serving 70 percent of the maximum term of the sentence, as are persons sentenced to an 85 percent sentence on or after July 1, 2003. Under current law, only the county attorney may file a motion to reopen an 85 percent sentence. The bill also requests the legislative council to establish an interim study committee to review and propose revisions to the criminal code.**

**3/17/04 PASSED SENATE 49/0**

**4/15/04 PASSED HOUSE 54/43 w/amendment**

**4/16/04 PASSED SENATE 46/0**

**5/11/04 SIGNED BY GOVERNOR**

Support: Justice #7

HF2321 appropriated \$400,000 for educational and technical training for female inmates in prison, for males and females in prison with regard to parenting and other skills to strengthen families; and \$100,000 for two pilot programs in continuing education and training after release from prison. Died in Appropriations.

Oppose: Justice #9

**SF411 (formerly SSB1056) established that a party may petition for dissolution of marriage only upon proof of any of the following: a. The other party has committed adultery. b. The other party has committed a felony and has been sentenced to imprisonment. c. The other party has abandoned the matrimonial domicile for a period of one year and refuses to return. d. The other party has physically or sexually abused the party seeking the order or dissolution or a child of one of the parties. e. The parties have been living separate and apart continuously without reconciliation for a period of two years. Died after being re-referred to Human Resources subcommittee: Veenstra, Boettger, Hatch.**

Support: Justice #10

**HF561 provides that a person who knowingly views, photographs, or films another person for the purpose of arousing or gratifying the sexual desires of any person while the other person is in a state of full or partial nudity, commits invasion of privacy under certain circumstances. A person commits invasion of privacy, if the person being viewed, photographed, or filmed does not consent or is unable to consent to being viewed, photographed, or filmed, the person is in a state of full or partial nudity, and the person has a reasonable expectation of privacy. The bill defines "full or partial nudity" to mean showing of genitals, pubic area, buttocks, or female nipple. A person who commits invasion of privacy is guilty of a serious misdemeanor. A serious misdemeanor is**

**punishable by confinement for no more than one year and a fine of at least \$250 but not more than \$1,500.**

**3/24/03 PASSED HOUSE 96/0**

**4/5/04 PASSED SENATE 49/0**

**4/26/04 SIGNED BY GOVERNOR**

Support: Violence Against Women #6

HF2307 related to a violation or “attempted violation” of a court order or protective order. Died in Judiciary subcommittee: Paulsen, Hutter, Reasoner.

Support: Violence Against Women #5

**HF2533 allows the magistrate to order that a person is appearing either before the court, which issued an original protective order, or before the court in the jurisdiction where the alleged violation took place.**

**3/17/04 PASSED HOUSE 95/0**

**3/31/04 PASSED SENATE 48/0**

**5/3/04 SIGNED BY GOVERNOR**

Support: Violence Against Women #7

**SF2199 relates to residential landlord/tenant law by requiring that a tenant be given the three-day eviction notice with specific activity causing the clear and present danger along with the Code of Iowa Section 562A.27A stating the rights of a tenant involved in family/domestic violence.**

**3/9/04 PASSED SENATE 49/0**

**3/16/04 PASSED HOUSE 99/0**

**3/29/04 SIGNED BY GOVERNOR**

Violence Against Women Study Proposal #9

**HF2522 specifies that if an alleged victim of sexual abuse has not filed a complaint and a sexual abuse evidence collection kit has been completed, the kit must be stored by law enforcement for a minimum of ten years; also notes that a case number may be assigned to the kit instead of bearing the victim’s name**

**3/17/04 PASSED HOUSE 95/0**

**3/30/04 PASSED SENATE 47/0**

**4/8/04 SIGNED BY GOVERNOR**

Support: Welfare #7

HSB304 increased from 5 percent to 10 percent the amount of the state's portion of real estate transfer tax collected that is required to be deposited in the shelter assistance fund – died without becoming a bill.

Study Proposal #14

HF2020 relocated child support recovery unit to the Department of Revenue. Died in Human Resources.

SF2288 authorized Federal Block Grant Funding

Stop Violence Against Women grant program appropriation: \$1,614,000 (FY04 \$1,853,100)

Child Care and Development appropriation: \$42,310,187 (FY04 \$42,089,767)

**5/17/04 SIGNED BY GOVERNOR**

**SF2298 authorized State Appropriations**

3/30/04 PASSED SENATE 28/21

4/12/04 PASSED HOUSE 54/45

4/12/04 motion filed by Gipp to reconsider

4/19/04 PASSED HOUSE 58/40 w/amendment

4/20/04 PASSED SENATE 28/20 w/amendments

4/20/04 PASSED HOUSE 52/46

5/17/04 SIGNED BY GOVERNOR; MULTIPLE LINE-ITEM VETOES

Economics #3 Iowans in Transition grants

Grants were not at the FY01 level proposed. Status of Women division in Human Rights for salaries, support, maintenance, and miscellaneous purposes, including the Iowans in transition program, and the domestic violence and sexual assault-related grants, and for not more than the following full-time equivalent (FTE) positions: \$329,530 and FTEs 3.00 (FY04 \$330,852).

Without a salary adjustment appropriation, the ICSW budget and the grants will be further reduced from FY04 levels.

Health #13

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling: \$1,267,111 (FY04 \$1,277,947)

Child Care #5 and Welfare #1 FIP/TANF

\*family investment program account and used for assistance under the family investment program \$45,277,569 (FY04 \$51,492,790)

\*family investment program account and used for the job opportunities and basic skills (JOBS) program, and implementing family investment agreements: \$13,412,794 (same in FY04)

\*state childcare assistance: \$18,073,746 (FY04 \$21,145,765)

Health #8 and #10

For pregnancy prevention grants on the condition that family planning services are funded: \$2,514,413 (FY04 \$1.2 million for family planning; \$1.3 million pregnancy prevention)

Welfare #4 FaDSS

For the family development and self-sufficiency grant program: \$5,133,042 (same as FY04)

Health #2 hawk-I

For maintenance of the healthy and well kids in Iowa (*hawk-i*) program \$12,118,275 (FY04 \$11,118,275)

Justice #3 IJH

For operation of the Iowa Juvenile Home at Toledo \$6,061,266 and FTEs 130.54

Violence Against Women #1 Priority

For domestic violence and sexual assault victim assistance grants: \$5,000 (FY04 and FY03 had no separate line item; FY02 \$1,918,384)

Justice #7

For the operation of the Mitchellville women's correctional facility, including salaries, support, maintenance, and miscellaneous purposes: \$13,190,260 (FY04 \$12,260,590 and 216 FTEs)

For educational programs for inmates at state penal institutions: \$1,008,358 (FY04 \$1,138,166)

## Bills of interest that were monitored

### Of Interest: Abortion

HF2558 provides that for the purposes of certain sections of the Code, as they pertain to victims of murder or manslaughter, "person" includes a member of the species homo sapiens, at any stage of development when carried in the womb or after birth. The sections of the Code are section 707.1 (murder); section 707.2 (murder in the first degree); section 707.3 (murder in the second degree); section 707.4 (voluntary manslaughter); and section 707.11 (attempt to commit murder). The bill also provides that those sections do not apply to a legal abortion to which the pregnant woman or a person legally authorized to act on the pregnant woman's behalf consented, or for which consent is implied by law.

4/6/04 PASSED HOUSE 63/36

4/7/04 PASSED SENATE 30/18

5/14/04 VETOED BY THE GOVERNOR

*Iowa law currently provides for greater accountability, responsibility and protection in cases of violent crimes against pregnant women. Iowa has had laws on the books dealing with violent crimes against pregnant women for more than five years. These can be found under Iowa Code sections 707.8(1)-(12). Iowa Code 707.8(1) specifically deals with terminating a human pregnancy without the consent of the pregnant person during the commission of a forcible felony (murder, kidnapping, robbery, assault, arson). A person found guilty under 707.8(1) is guilty of a class "B" felony. The penalties for a class "B" felony provide for a maximum sentence of no more than 25 years, and two separate charges can be brought. In addition, Iowa Code section 707.7 sets out the crime of feticide as a class "C" felony. If the intent of this bill is to provide for greater accountability for people committing crimes against a pregnant woman or to provide greater protection for pregnant women, then this objective could be accomplished by increasing existing penalties for these types of crimes. House File 2558 creates a new crime that fails to promote greater accountability of wrongdoers and fails to afford greater protection for pregnant women. Under these circumstances there appears to be no reason to approve House File 2558.*

### Of Interest: Aging/Long-Term Care

SF2019 recalculated the medical assistance program home and community-based services waiver for the elderly for annual inflation based on the total skilled nursing facility market basket index utilized by the centers for Medicare and Medicaid services. Died in Human Resources subcommittee: McKinley, Behn, Holveck.

Two bills directed DHS to adopt rules to allow residents of nursing facilities participating in the medical assistance program to retain a personal needs allowance of \$75 per month (current \$30). SF2023 died in Human Resources subcommittee: Hosch, Kreiman, Schuerer. SF2030 died in Human Resources subcommittee: Veenstra, Behn, Horn.

HF417 provided that the required number of hours of training necessary for approval as a certified nurse aide would be increased from the current level of 75 hours, as provided by administrative rule, to 90 hours. Died in State Government.

HF588 provided for education requirements relating to initial and ongoing certification as a nurse aide; provided 90 clock hours of training; provided that after becoming certified, a nurse aide would receive a minimum of 12 hours of continuing education annually in order to maintain that certification; and provided that the Department of Inspections and Appeals would establish curriculum content, instructor qualifications, and related requirements regarding initial and continuing certification by rule. Died in State Government.

HF2386 prohibited person convicted of dependent adult abuse from inheriting from dependent adult. Died in Judiciary subcommittee: Dennis, Boal, Greimann.

Two bills would have set up a pilot project for dementia-specific care alternatives. SF2219 died in Government Oversight subcommittee: Dvorsky, Brunkhorst, Wieck. HF2421 died after Human Resources approved the bill.

Of Interest: Adoption

SSB1057 prohibited licensing individuals who are homosexual as foster family homes, and prohibited a person who is otherwise eligible to adopt under the current adoption provisions from adopting if the person is a homosexual – died without becoming a bill.

Of Interest: Anti-bullying

SF2176 required school districts to adopt anti-bullying policies. Died after Education Committee recommended passage.

Of Interest: At-Home Infant Care

HF321 died in favor of HF613. HF613 amended the child care facilities Code chapter to require the department of human services to establish an at-home infant child care program for certain families that are eligible for the state child care assistance program or are participating in the family investment program. Families receiving other public funding for childcare or otherwise receiving other public assistance would not be eligible. An eligible family's infant could not exceed 12 months of age. Died in Appropriations subcommittee: Dix, Murphy, Upmeyer.

Of Interest: Child Care

HF2344 addressed child development home provider qualifications. 3/24/04 PASSED HOUSE 71/29; died in Senate Human Resources subcommittee: Veenstra, Behn, Ragan.

Of Interest: Birth Certificate

**HF2527 (formerly HF2209) provides that the biological parent may have a certificate of birth until a final adoption decree has been issued.**

**3/18/04 PASSED HOUSE 97/0**

**4/1/04 PASSED SENATE 48/0**

**4/6/04 PASSED HOUSE 99/0**

**5/11/04 SIGNED BY GOVERNOR**

Of Interest: Child Custody

**SF2234 provides that a temporary order for custody shall provide for a minimum visitation schedule with the non-custodial parent unless it is not in the best interest of the child. Also provides that the mother of a child born out of wedlock whose paternity has not been acknowledged has sole custody of her child unless the court orders otherwise.**

**3/16/04 PASSED SENATE 34/14**

**3/31/04 PASSED HOUSE 100/0 w/amendment**

**4/5/04 PASSED SENATE 49/0**

**4/12/04 SIGNED BY GOVERNOR**

Of Interest: Child Custody

**HF22 provides that if joint legal custody is awarded to both parents, the court may award joint physical care upon the request of either parent. If the court denies the request for joint physical care, the determination shall be accompanied by specific findings of fact and conclusions of law that the awarding of joint physical care is not in the best interest of the child. If joint physical care is not awarded, the parent responsible for providing physical care shall support the other parent's relationship with the child. Physical care awarded to**

**one parent does not affect the other parent's rights and responsibilities as a joint legal custodian of the child. Rights and responsibilities as joint legal custodian of the child include, but are not limited to, equal participation in decisions affecting the child's legal status, medical care, education, extracurricular activities, and religious instruction.**

**3/17/04 PASSED HOUSE 59/37**

**4/5/04 PASSED SENATE 49/0**

**5/19/04 SIGNED BY GOVERNOR**

Of Interest: Child Custody

HF330 (formerly HF64) provided for modification of a custody order based upon the cohabitation of a parent. The bill provides that if a parent awarded joint legal custody or sole legal custody cohabits with an unrelated person, the court may consider the cohabitation a substantial change in circumstances. If the court determines that the cohabitation is a substantial change in circumstances, the court may modify the custody order if modification is in the best interest of the minor child. The bill defines "cohabitation" or "cohabiting". Died in Human Resources subcommittee: Boddicker, Carroll, Foege.

Of Interest: Child Support

SF32 required that the collection services center in disbursing child support payments received in accordance with an order being enforced by the child support recovery unit for an individual not eligible for enforcement services as a public assistance recipient, and the clerk of the district court disbursing child support payments collected in accordance with a support order filed in that county, are only to disburse payments through direct deposit of the support in a customer asset account established by the recipient of the support for the exclusive purposes of depositing of the support payments and use of such deposits for the support of the child. Died in Human Resources subcommittee: Seymour, Horn, Schuerer.

Of Interest: Child Support

SF265 provides for the diversion of a portion of a noncustodial parent's child support obligation to a college savings plan set up by the state of Iowa or one or two educational institutions in situations where the custodial parent, who has benefited from higher education, had sufficient income to adequately support the daily needs of the child. Died in Judiciary subcommittee: Boettger, McCoy, Tinsman.

HF476 provided modification of a child support judgment or order may be retroactively applied only to three months after the date of the notice of hearing or notice of the pending petition, unless the court found that the modification should retroactively be applied to the date the notice is served on the opposing party, due to a substantial change in circumstances. Under current law, a modification may be retroactively applied only to three months after the date of notice. Died in Human Resources.

Of Interest: Credit Report

HF129 required credit-reporting agencies to provide a consumer with one copy of the consumer's credit report per year at no cost to the consumer upon the written or verbal request and proper identification of the consumer. Died in Commerce, Regulation and Labor subcommittee: Jacobs, Oldson, Wilderdyke.

**Of Interest: Child Welfare Mediation Pilot Projects**

**HF2462 directs DHS to implement one or more child welfare diversion and mediation pilot projects through the offices of county attorneys with an evaluation report by 12/15/07; and**

**implement a child in need of assistance family case staffing pilot project in at least two counties.**

**3/15/04 PASSED HOUSE 94/0**

**4/5/04 PASSED SENATE 49/0 w/amendments**

**4/13/04 PASSED HOUSE 98/0**

**5/3/04 SIGNED BY GOVERNOR**

Of Interest: Crime Against Unborn Child

SF2254 (formerly SSB3130) defined crime against unborn child. 3/24/04 PASSED SENATE 30/19; died in House Human Resources.

**Of Interest: Dental Assistants Exam**

**HF2187 eliminated the exam requirement as prerequisite for designation of registered dental assistant; supervising dentist shall certify competency.**

**2/12/04 PASSED HOUSE 82/17**

**3/31/04 PASSED SENATE 42/6**

**5/14/04 VETOED BY THE GOVERNOR**

*The competency exam provides uniformity in training across the state. This allows for consistency and confidence in the knowledge base of dental assistants statewide. Dental assistant programs provide graduates the opportunity to enter a profession that affords them a respectable living. The typical student to enroll in a dental assistant training program is a single mother, age 25, with significant barriers to financial independence. We must not turn our back on the increasing number of women striving to improve their lives by pursuing education and training that will afford them financial independence and professional status. The advancement of women in the workforce is vital to the public and the economic health of Iowa. ... Dental assistants are the first line of defense in protecting Iowans from the spread of blood borne pathogens and infectious diseases. The dental assistant must not only perform infection control duties but must have a clear understanding of the risk to the patient and themselves, if their infection control responsibilities are not properly performed. In addition, the dental assistant must understand the legal scope of their job responsibilities, accurate recordkeeping, federal OSHA regulations and other competencies related to their profession. ... Recruitment issues raised by the proponents of this measure should not outweigh the overriding protection of the public health of Iowans.*

Of Interest: Economics/Certified Registered Nurse First Assistants

HF2184 allowed insurance and Medicare payments to CRNFAs at a percentage of the surgeon's fee; care and treatment must be within the scope of practice of the CRNFA. Died in Human Resources subcommittee: Upmeyer, Boddicker, Greimann.

Of Interest: Economics/Teacher Pay

SF2136 required the Department of Education to conduct a teacher pay equity study by 12/15/04. Died in Education subcommittee: Rehberg, Behn, Kreiman.

HF163 Phase I established a minimum annual salary and a formula for distribution of state moneys to assist school districts in meeting the minimum salary requirement; phase II provided state aid for general salary increases; and phase III distributed moneys to assist in the development of performance-based pay plans and supplemental pay plans requiring additional instructional work assignments. Died in Education subcommittee: Carroll, Tymeson, Wise.

Of Interest: Education Paternity

HF2078 provided that if paternity of a child born out of wedlock is established, in addition to the court establishing the parent's monthly support payment and the amount of the support debt

accrued and accruing, the court might also order a postsecondary education subsidy if good cause was shown. Died in Human Resources subcommittee: Boddicker, Berry, Lakan.

Of Interest: English Only

HF2122 repealed the Iowa English Language Reaffirmation Act and rules of construction for English language laws. Died in State Government.

Of Interest: Feticide

SSB3009 provided that a person who intentionally terminated a human pregnancy with the knowledge and voluntary consent of the pregnant person after the end of the second trimester and death of the fetus results commits feticide, which is a class "C" felony (defines unborn child "from the moment of conception") – died without becoming a bill.

**Of Interest: Genetic Health Services**

**HF2362 (formerly HF2074) renames the "birth defects institute" and insert the words "center for congenital and inherited disorders" and provides for a work group to study stillbirths**

**3/23/04 PASSED HOUSE 98/0**

**3/29/04 PASSED SENATE 47/0**

**4/2/04 SIGNED BY GOVERNOR**

Of Interest: Grandparent Visitation Rights

HF2211 provided for grandparent or other relative visitation under certain circumstances with a child adjudicated as a child in need of assistance (CINA). Died in Human Resources subcommittee: Roberts, Boddicker, Smith.

Of Interest: hawk-i

HF2142 changed definition of "eligible child" to federal regulation definition of "child" or someone under age 19 including period from conception to birth (supports expanding access to pregnancy-related care, but also attempts to establish fetal personhood). Died in Human Resources subcommittee: Lukan, Berry, Freeman, Greimann, Heaton.

SF2073 required an applicant of hawk-i to disclose the identity of the employer of any adult responsible for providing support to the proposed beneficiary. Died in Human Resources subcommittee: Schuerer, Horn, Hosch.

SF26 deleted the requirement that DHS establish family cost sharing based on a sliding fee scale and established a cost sharing amount approved by the hawk-i board; eliminated the requirement that the outreach efforts include a comprehensive statewide media campaign; added benefits to the hawk-i benefit package, including care coordination, dental services, mental health and substance abuse benefits, medically necessary nutrition services, physical and occupational therapy services, and case management for children with special health care needs; also allowed for cost sharing based upon the family income percentage which is either below 150 percent of the federal poverty level or which equals or exceeds 150 percent of the federal poverty level. Died in Human Resources subcommittee: Seymour, Boettger, Kreiman.

Of Interest: Health Insurance for Children

SF2094 directed DHS with DPH and Insurance Division to develop a plan to provide health care coverage to all children in Iowa under 18 years of age by 2010. Died in Human Resources subcommittee: McKinley, Holveck, Schuerer.

Of Interest: Health Insurance Moratorium

HF2204 created a moratorium on new mandated health or medical expense benefits coverage. Died in Commerce subcommittee: JK Van Fossen, Dix, Osterhaus.

Of Interest: HOPES

SF2093 expanded the healthy opportunities for parents to experience success (HOPES) statewide. Died in Human Resources subcommittee: Boettger, Ragan, Tinsman.

Of Interest: Human Trafficking

SF2165 made trafficking for forced labor or prostitution a felony. Died in Judiciary subcommittee: Brunkhorst, Gaskill, Quirnbach.

Of Interest: Housing Trust

Two bills would have stopped a fee sunset and redirected \$2 of a \$5 fee for counties to have a housing trust fund for low-income persons. HF2148 died in Local Government subcommittee: Arnold, Fallon, Hanson. SF2096 died in Local Government subcommittee: Miller, Kreiman, Rehberg.

Of Interest: Income Taxes

SF4 increased the state individual income tax exemption for pension and retirement pay from \$6,000 to \$9,000 for single filers and from \$12,000 to \$18,000 for married taxpayers. Died in Ways and Means subcommittee: Rehberg, Seng, Shull.

HF24 provides a phase out of the state income tax on pension or retirement pay. Currently, a single filer is allowed to exclude \$6,000 of pension or retirement pay and joint filers are allowed to exclude \$12,000 of pension or retirement pay for state income tax purposes. Died in Ways and Means subcommittee: Boal, Kramer, Oldson.

Of Interest: Insurance

HF2284 allowed insurance policies to exclude coverage for specific mandated health or medical expense benefits. Died in Commerce.

HF2299 required notices to be given to enrollees regarding the right to an external review by the insurance commissioner of denied health insurance coverage. Died in Commerce.

HF2076 provided the court to require that the signature of the custodial parent constitutes a valid authorization to the insurer for purposes of processing an insurance payment, providing information to the custodial parent regarding the child's medical coverage, and that neither the custodial parent nor the non-custodial parent would interfere with the timely processing of any insurance claim. Furthermore, payment would promptly be transmitted. Died in Human Resources.

Of Interest: License Plates for Choose Life

SF95 authorized DOT to issue choose life special registration plates displaying a choose life emblem designed in consultation with Choose Life, Inc. Died in Transportation subcommittee: Drake, McCoy, Putney.

HF139, the same as SF95, was withdrawn in favor of HF2552. 3/24/04 PASSED HOUSE 94/3; died in Senate after Ways and Means approved.

Of Interest: License Plates for DV

HF524 established a special prevention of domestic violence motor vehicle registration plate, designed by DOT in cooperation with the Iowa coalition against domestic violence. Died in Transportation.

Of Interest: License Plates for BC Research

HF526 established a special breast cancer research motor vehicle registration plate; fees from breast cancer research plates to the university of Iowa to be used for breast cancer research programs. Died in Transportation.

Of Interest: Long-Term Care

**SF2190 creates a long-term care system task force with specified benchmarks to ensure residents access to an extensive range of high-quality long-term care options that maximize independence, choice, and dignity; report is due 12/15/04 with a list of priorities and strategies recommended along with any legislative recommendations**

**3/9/04 PASSED SENATE 49/0**

**4/5/04 PASSED HOUSE 96/0**

**5/14/04 VETOED BY THE GOVERNOR**

*With the establishment of the Senior Living Trust, Iowa began the formation of a three pronged long-term care system. Today, in-home care, assisted living, and skilled nursing care are available to Iowans. Iowa must continue the course begun with the Senior Living Trust. Another task force, especially one that does not draw on the expertise of those providing care or the executive branch department employees involved in elder care, will not improve our current system. The legislation establishes a task force, which is not designed to make meaningful recommendations; and for that reason, I cannot and will not approve Senate File 2190. What is needed is continued evaluations between the Department of Elder Affairs, Department of Human Services, and Department of Inspections and Appeals with the assistance of experts in the field of long-term care to make recommendations as to how Iowa could build upon the system already in place. With this veto message, I am directing the department heads from the aforementioned agencies to prepare a joint and agreed upon report with recommendations for improvements to our current long-term care system. I expect that report no later than October 1, 2004. The directors should seek to comply with the spirit of Senate File 2190 by outlining practices and benchmarks by which to gauge short-term and long-term success.*

Of Interest: Marriage

HF2251 denied legal status of marriage granted by law in other states, territories, countries. Died in Human Resources subcommittee: Carroll, Hunters, Roberts.

SJR2002 proposed an amendment to the Iowa Constitution defining marriage as the legal union between one man and one woman. 3/23/04 FAILED TO PASS SENATE 24/25

HJR2003 proposed an amendment to the Iowa Constitution defining marriage as the legal union between one man and one woman. Died in Judiciary subcommittee: Kramer, Boal, Lensing.

SJR2005 petitioned Congress to propose an amendment to the US Constitution defining marriage as the legal union between one man and one woman. Died after Human Resources Committee recommended passage

HJR2002 petitioned Congress to propose an amendment to the US Constitution defining marriage as the legal union between one man and one woman. Died after Judiciary Committee recommended passage.

**HF2455 (SF2258, formerly SF414 and SSB1120, was withdrawn and SF2455 substituted) would have made a 3 day wait for a marriage license with approved pre-marital counseling proof or 20 day wait for a license without counseling beginning upon enactment; also**

would have created a parenting plan form for divorce, annulment or separation that the supreme court will design by 9/1/04 and the clerk of courts distribute thereafter.

**4/15/04 PASSED HOUSE 77/20**

**4/20/04 PASSED SENATE 33/14**

**5/14/04 VETOED BY THE GOVERNOR**

*I see no harm in providing a different waiting period before a marriage license is issued based on obtaining appropriate marriage counseling. If that is all that was contained in House File 2455, I might sign it. However, the bill also contains a requirement of submitting a parenting plan in conjunction with a dissolution of marriage action. I am very troubled by the requirement that the plan be provided within 30 days of service of the process commencing the action. This is not feasible and could create serious conflicts undermining reconciliation efforts.*

SF216 established the procedure and requirements for a covenant marriage. Died in Human Resources subcommittee: Schuerer, Hatch, Veenstra.

SF217 changed the marriage license fee from the current fee of \$35 so that the fee is \$50 for a license unless the parties have completed premarital education. Died in Human Resources subcommittee: Schuerer, Horn, McKinley.

Of Interest: Phone Privacy

HF2037 created a criminal offense for using a cellular telephone with a fitted camera in a place where another person has a reasonable expectation of privacy. Died in Public Safety subcommittee: R. Van Fossen, McCarthy, Sands.

Of Interest: Violence Against Women

HF2277 provided that a conviction for, deferred judgment for, or plea of guilty to a domestic abuse assault, shall not be considered in determining that the violation charged is a second or subsequent offense if it was prior to "July 1, 1998" (rather than the current "six years prior"). Died in Judiciary.

**HF2146 requires a person convicted of incest against a dependent adult to register as a sex offender (current law only if against a minor).**

**2/12/04 PASSED HOUSE 99/0**

**3/30/04 PASSED SENATE 49/0**

**4/13/04 SIGNED BY GOVERNOR**

SF15 created a criminal offense for promoting a sexual content telephone card to a minor, which permits the cardholder to access over the telephone a service that describes sex acts, prohibited sex acts, or obscene material for a predetermined amount of time. Died in Judiciary subcommittee: Larson, Kreiman, McKibben.

SF44 created a criminal offense of sexual exploitation by a school employee. Died in Judiciary subcommittee: Boettger, Horn, Larson.

SF169 related to the conduct and licensure of school employees by creating a criminal offense of sexual exploitation by a school employee, providing a penalty, authorizing the board of educational examiners to perform record checks at the applicant's expense, and requiring school districts and schools to report practitioner misconduct under certain circumstances. Died in Education subcommittee: Angelo, Beall, Larson.

SF89 provided for a \$10 surcharge for a conviction for domestic abuse assault, and appropriated it to the Department of Justice for domestic violence shelters for victims of domestic abuse. Died in Judiciary subcommittee: Larson, Horn, Tinsman.

SF181 authorized DHS to disclose information to a client regarding the presence of a perpetrator of a sexual offense in the client's home. Died in Human Resources.

HF310 reenacted the income tax check off for domestic abuse services. Died in Ways and Means.

HF530 modified the definition of a sex act to include the penetration of any object into the genitalia or anus except in the course of examination or treatment. Current law requires the object be an artificial sex organ or substitute for an artificial sex organ. Died in Public Safety.

Of Interest: State Government Operations

SF2299 established development of a plan unifying the state administration of services utilized by elderly Iowans who are age sixty or older (Departments of Elder Affairs, Human Services, and Public Health). 4/12/04 PASSED SENATE 46/0; Died in House Government Oversight.

**HF2497 sick leave and vacation incentive for state employees to quit working.**

**3/11/04 PASSED HOUSE 93/2**

**3/29/04 PASSED SENATE 47/0 w/amendment**

**3/31/04 PASSED HOUSE 99/0**

**4/2/04 SIGNED BY GOVERNOR**

**HCR104 called for re-negotiation of state employee wage increases**

**1/29/04 House adopted**

**3/16/04 Senate adopted**

HSB534 reverted the FY04 salary adjustment dollars (for ICSW \$2,381). Died without becoming a bill.

HF2093 provided that a fee may be charged to obtain a copy of a public record (including supervision costs). Died in State Government subcommittee: Hutter, Drake, Nelson.

HF2089 required the administrative rules review committee to approve all administrative rules, by majority vote, before they can go into effect. Died in State Government.

**SF2188 establishes a Commission on the Status of Iowans of Asian and Pacific Islander Heritage within the Department of Human Rights.**

**3/10/04 PASSED SENATE 48/1**

**3/15/04 PASSED HOUSE 93/1**

**3/31/04 SIGNED BY GOVERNOR**

**HF2039 changed the percentage amount to 98 percent of the adjusted revenue estimate. Current law provides that the expenditure limitation calculated for a fiscal year is 99 percent of the adjusted revenue estimate agreed to by the revenue estimating conference for that fiscal year at the meeting held by December 15 prior to the commencement of the fiscal year.**

**1/22/04 PASSED HOUSE 60/38**

**2/10/04 PASSED SENATE 28/21**

**2/12/04 Governor Vilsack vetoed Section 2 of House File 2039, which establishes the 98 percent expenditure limitation, and Section 4, subsection 2, which establishes the effective date.**

HF134 required the budget submissions of executive branch departments and the judicial branch to utilize a zero-base approach. Died in Appropriations subcommittee: Eichhorn, Alons, Smith.

SF228 by Senator Miller created the Division on the Status of Men and Women in 2003. Died in favor of SF377 that provided the Commission on the Status of Women would conduct a study of issues affecting men. Died with a re-referral to State Government.

### **Resolutions of Interest**

**HCR109 by Maddox and Mascher and SCR106 by Tinsman and Holveck designate March, 2004 as Iowa Women's History Month - Adopted 3/11/04**

SR103 pays tribute to Senator Mary Kramer for her devoted service to the Iowa General Assembly and the citizens of Iowa and extends congratulations upon her appointment as U.S. Ambassador to Barbados (adopted 1/13/04)

SR108 and HR107 honor Kirkwood Community College's women's volleyball team (both adopted 1/29/04)

HR119 to honor Representative Jodi S. Tymeson for her promotion to Brigadier General in the Iowa National Guard – Adopted 2/25/04

SR130 congratulates Haley Dunn on her significant accomplishments to date and wishes her the best in the upcoming competition to represent the United States in the Olympic Games – Adopted 3/18/04

SR134, SR137, HR138 and HR151 honor the Morningside College Women's Basketball Team on their national championship.

SR153 honors Senator Kitty Rehberg, who is retiring, for her two terms in the Senate.

SR180 requests the Senate leadership to establish a blue ribbon elder services planning group to develop a plan for unifying the state administration of services utilized by elderly Iowans who are age sixty or older. Adopted 4/20/04